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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,038	01/21/1999	STEVE KRUY	777.240US1	5262

7590 06/05/2003

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/235,038

Applicant(s)

KRUY ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

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DETAILED ACTION

1. Claims 1-22 are pending. Claims 1-8 and 10-17 have been amended in this communication filed 03/14/03 entered as RCE, paper no. 25.
2. Amendment D filed 03/14/03 has been entered as paper no. 26.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-8 and 19-22 reference a "system" and it is not clear whether the "system" is a computer system or a network system or a computer programming system. Clarification in the claim language is requested.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 4,558,413) Schmidt et al, hereafter Schmidt in view of (US 4,809,170) Leblang et al, hereafter Leblang.

With respect to claim 1, Schmidt teaches, a first program to manipulate a item (col. 2, lines 4-8), a database having the database item, wherein the database item

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comprises a text stream and a binary stream (col. 3, lines 44-50), and a second program to check in and check out the database item, such that modification of the database item is restricted when the database item is checked out (col. 4, lines 3-22 and col. 8, lines 45-50).

Schmidt did not teach, a source code control (SCC) system to store versions of the database item and a second program to check in and check out the database item, such that modification of the database item is restricted when the database item is checked out.

Leblang discloses a source code control (SCC) system to store versions of the database item (col. 1, lines 35-40, col. 2, lines 18-26, col. 11, lines 33-42, and col. 13, lines 23-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a source code control (SCC) system to store versions of the database item and to modify in Schmidt because such a modification in Schmidt would allow Schmidt's system manage the versions of source code programs enforcing a check-in and check-out regimen for controlling access to versions of programs being changed (modified).

With respect to claim 2, Schmidt teaches, the first program comprises an editor program to edit the stored database item (col. 18, lines 44-62).

With respect to claim 3, Schmidt teaches, the first program requests to check out the database item and the second program checks out the database item to the first program (col. 3, lines 57-60).

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With respect to claim 4, Schmidt teaches, the second program provides the first program a choice of one or more different versions of the database item at the Source Code Control (SCC) System (col. 3, lines 45-58) and one or more different versions of the database item at the database (col. 4, lines 44-52).

With respect to claim 5, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 6, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 7, Schmidt teaches, the first program requests to check in the database item such that the second program checks the database item into the source code control (SCC) system (col. 3, lines 57-60 and col. 6, lines 42-52).

With respect to claim 8, Schmidt teaches the second program checks in the database item into the source code control (SCC) system as saved to the database (col. 4, lines 44-56). A database is well known in the art as being a file composed of records containing fields together with a set of operations for searching, sorting, recombining, and other functions.

With respect to claim 9, Schmidt and Leblang did not teach, the database comprises a Structured Query Language (SQL) database, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the database comprise a Structured Query Language (SQL) database and to modify in Schmidt and Leblang because such a modification would allow Schmidt and

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Leblang to have a standard query language to use in many programs to manipulate a large database.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,145,119) House et al, hereafter House in view of (US 4,558,413) Schmidt et al, hereafter Schmidt.

With respect to claim 10, House teaches comparing a stream of the database item in the source code control (SCC) system with a stream of the database item in the database (col. 7, lines 6-28); determining whether the stream in the source code control (SCC) system is identical to the stream in the database (col. 7, lines 16-22); upon determining that the stream in the source code control (SCC) system is different than the stream of the database item in the database, providing a user a choice to select one of the streams of the database item in the source code control (SCC) system and the stream of the database item in the database (col. 3, lines 46-51 and col. 7, lines 30-42). House did not teach checking out the database item selected by the user, such that modification of the database item is restricted when the database item is checked out.

Schmidt discloses checking out the database item selected by the user, such that modification of the database item is restricted when the database item is checked out (col. 3, lines 57-68 and col. 4, lines 1-22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to compare a stream of the item in the source code control (SCC) system with a stream of the item in a database, determine whether the stream in the source code control (SCC) system is different that the stream in the database, provide a user a choice to select one of the stream in the source code control (SCC) system and the stream in the database and to combine House's comparing a stream of the item in the source code control (SCC) system with a stream of the item in a database, determine whether the stream in the source code control (SCC) system is different that the stream in the database, provide a user a choice to select one of the stream in the source code control (SCC) system and the stream in the database with Schmidt's checking the item out because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and restricts the modification to the (file) item.

This claim is also rejected for the similar rationale given for claims 1-4.

With respect to claim 11, House teaches, retrieving the stream of the item (col. 7, lines 16-22) and retrieving the stream of the black item from the database (col. 3, lines 48-51 and col. 7, lines 6-11). House did not teach source code control (SCC) system. Schmidt discloses, the source code control (SCC) system (col. 3, lines 56-58). It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to retrieve the stream of the database item and retrieve the stream of the database item from the database and to combine House's retrieving the stream of the database item and retrieving the stream of the database item from the database with Schmidt's source code control (SCC) system because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and to control access.

With respect to claim 12 this dependent claim is rejected for the similar rationale given for claim 10.

With respect to claim 13 this dependent claim is rejected for the similar rationale given for claims 11 and 12.

With respect to claim 14, this dependent claim is rejected for the similar rationale given for claims 10.

With respect to claim 15, this independent claim is rejected for the similar rationale given for claim 10.

With respect to claim 16, this dependent claim is rejected for the similar rationale given for claim 11.

With respect to claim 17, this dependent claim is rejected for the similar rationale given for claims 11, 13, and 16.

With respect to claim 18, this claim is rejected for the similar rationale given for claims 10 and 14.

Claim Rejections - 35 USC § 103

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over (US 4,809,170) Leblang et al, hereafter Leblang in view of (US 4,558,413) Schmidt et al, hereafter Schmidt.

With respect to claim 19, Leblang teaches, a database having the database item, wherein the database invokes the first program upon receiving a request to access the database item (col. 7, lines 27-43). Leblang did not teach, a source code control (SCC) system to store versions of the item and a first program to check in and check out the item, such that modification of the item is restricted when the item is checked out.

Schmidt discloses a source code control (SCC) system to store versions of the item (col. 3, lines 56-60, col. 4, lines 3-22, and col. 8, lines 45-50) and a first program to check in and check out the item, such that modification of the item is restricted when the item is checked out (col. 4, lines 3-22 and col. 8, lines 45-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a source code control (SCC) system to store versions of the item and a first program to check in and check out the item the database item, such that modification of the item is restricted when the item is checked out and to combine Leblang's database having the item with Schmidt's source code control (SCC) system to store versions of the item and a first program to check in and check out the item, such that

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modification of the item is restricted when the item is checked out because such a modification in Leblang would allow Leblang's system manage the versions of source code programs enforcing a check-in and check-out regimen for controlling access to versions of programs being changed (modified).

11. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 4,809,170) Leblang et al, hereafter Leblang in view of (US 4,558,413) Schmidt et al, hereafter Schmidt further in view of (US 6,145,119). House et al, hereafter House.

With respect to claim 20, Leblang and Schmidt did not teach, wherein the database comprises an editor program to edit the stored item.

House discloses, wherein the database comprises an editor program to edit the stored item (col. 4, lines 23-31 and col. 6, lines 8-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the database comprise an editor program to edit the stored item and to modify in Leblang and Schmidt because such a modification would allow Leblang and Schmidt to have a code editor that is positioned before the project is saved.

With respect to claim 21, Leblang and House did not teach wherein the database requests to check out the database item such that the first program checks out the database item. Schmidt discloses, wherein the database requests to check out the database item such that the first program checks out the database item (col. 4, lines 41-42 and lines 51-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the database request to check out the database item such that the first program checks out the database item and to modify in

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Leblang and House because such a modification would allow Leblang and House to check the consistency of the system and to have the Software Manufacturing Facility (SMF) to include a database of standard versions for common files such as the system library.

With respect to claim 22, Leblang and House did not teach, wherein the first program provides the database a choice of one or more different versions of the database item at the source code control (SCC) system. Schmidt discloses, wherein the first program provides the database a choice of one or more different versions of the database item at the source code control (SCC) system (col. 5, lines 5-10 and lines 21-31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first program provide the database a choice of one or more different versions of the database item at the source code control (SCC) system and to modify in Leblang and House because such a modification would allow Leblang and House the ability for users to categorize different versions of the database of objects and for the user to have the ability to switch versions so that the versions can be arranged so the desired layer occurs before any other layers that might apply to the object.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Eisenberg et al (US 5,386,559) disclosed a version database management system.

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Zinda et al (US 6,393,437) disclosed Web developer techniques.

Van De Vanter (US 5,805,889) disclosed editing and version management.

Kauffman et al (US 6,260,040) disclosed editing and different versions of the file and a check-in and checked-out status.

Inquiries

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



E. Colbert
June 1, 2003